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COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

IN LEGISLATIVE SESSION

Thurs., October 15, 1987 Rockville, Md.

The County Council for Montgomery County, Maryland, convened in Legislative Session in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 1:16 P.M. on Thursday, October 15, 1987.

PRESENT

Rose Crenca, President	Michael L. Subin, Vice President
Michael L. Gudis, President Pro Tem	Neal Potter
Isiah Leggett	William E. Hanna, Jr.
Bruce Adams	

The President in the Chair.

The Journal of September 15, 1987 was approved as amended.

CALL OF BILLS FOR FINAL READING

SUBJECT: Emergency Bill No. 42-87. Transfer of Operational Firefighters from Corporations to the Department of Fire and Rescue Services (DFRS)

County Attorney Sorrell provided background information to the Council concerning meetings held between Executive staff and interested parties since the Council's worksession of September 21, 1987 on the subject bill.

Mr. Sorrell directed attention to a draft executive regulation included in the Council's packet, noting that it provides assurance of daily communication with fire and rescue corporations on operational issues and represents an appropriate compromise. He said the bill needs to be amended to include a reference to executive regulations.

Councilmember Gudis presented three proposed amendments for the Council's consideration, and explained that the amendments represent concepts discussed previously that he believes are needed to protect the County's volunteer firefighter system and to provide consistency and equity to all personnel in the DFRS. Mr. Gudis said that one of the amendments is similar to the executive regulation proposed by Mr. Sorrell.

Mr. Sorrell, responding to Councilmembers' questions, provided clarification concerning his proposed executive regulation, noting the need for the executive regulation to be amended to define "Director" as the Director of the Department of Fire and Rescue Services. He pointed out that this would be a Method 2 executive regulation which provides for review and approval by the Council.

The Council then considered the following amendment proposed by Councilmember Gudis:

The board of directors of each corporation may authorize in writing one or more officers to give directions on the management of corporate activities and facilities to the senior County merit system firefighter assigned to that corporation. An authorized officer may, with the approval of the board of directors, delegate this authority to a subordinate officer. If more than one authorized corporation officer is present at a particular place and time, the direction of the senior corporation officer controls.

Mr. Gudis expressed the view that an issue as sensitive and important as the management of corporate activities and facilities should be addressed through legislation rather than executive regulation because any changes would have to be made through legislation enacted by the Council. To provide needed clarification, Mr. Gudis agreed to amend the amendment to add at the end of the first sentence, after "corporation," who is on duty at the time.

Following discussion concerning how the chain of command would operate under Mr. Gudis's proposed amendment, Mr. Sorrell suggested the need to add clarifying language that the DFRS may promulgate regulations to implement the provision.

Councilmember Gudis moved, duly seconded, to incorporate into the bill the executive regulation authorization language proposed by Mr. Sorrell, as amended by Councilmember Adams to include in the second line, after "Services," adopted after consultation with the Fire and Rescue Commission and the Fire and Rescue Corporations.

Councilmember Subin moved the question which did not receive a second.

Mr. Doolan, attorney representing some of the volunteer firefighters, expressed objection to the Council's acting on amendments without providing him the opportunity to speak concerning his proposed amendments.

In response to Mr. Doolan's comments regarding the lack of opportunity provided to review the amendments proposed by Councilmember Gudis prior to the meeting, Mr. Sorrell noted that the concepts suggested in Mr. Gudis's amendments are not new, having been discussed with Mr. Doolan and others for the past three weeks.

Councilmember Gudis, providing further clarification with respect to his proposed amendments, said that he is attempting to protect the volunteer firefighter system in the County and to alleviate inequities that paid employees have encountered in the past. Mr. Gudis said that he met with Mr. Doolan yesterday and discussed the general intent of his amendments with him; however, he was not sure of the specific wording of the amendments until early this morning. In his opinion, Mr. Doolan should be provided the opportunity to comment and to present his clients' amendments.

Councilmember Subin urged the Council to act on the previous motion and, subsequently, to consider and act on each of the amendments proposed by Mr. Gudis. He pointed out that the concepts incorporated into Mr. Gudis's proposed amendments have already been considered by the Council.

Following discussion, Mr. Doolan was provided the opportunity to present proposed amendments, as well as comment on Mr. Gudis's proposed amendments.

Mr. Doolan pointed out that the subject legislation was introduced to solve an immediate, alleged crisis in the payment of approximately \$50,000 a week for overtime hours worked. However, he believes that, if the subject legislation is enacted, the costs of implementing the bill will be greater than \$50,000 a week. He said that, as a result of meetings held with interested parties during the past few weeks and through legal research, a compromise has been reached that would make the corporations public agencies under the Fair Labor Standards Act. Since this approach has not received support from the Executive Branch, he believes that a solution can be reached through amendments to the subject bill proposed by himself and the Gaithersburg-Washington Grove Fire Department, Inc. In response to Councilmember Crenca's question, Mr. Doolan said that, while the public agency approach has not been withdrawn, it is felt that a solution to the overtime problem can be reached through amendments to the bill.

Following discussion and comments of Mr. Sorrell regarding the public agency option, in line with his letter to Mr. Doolan, dated October 6, 1987, the majority of the Council indicated that the public agency option should not be considered further.

Mr. Doolan said that, although he has not discussed Mr. Gudis's proposed amendments with his clients, they appear to provide partial solutions to major problems in the subject bill.

The Council then turned its attention to Mr. Doolan's proposed amendments, dated October 12, 1987 and included in the Council's packet. Mr. Doolan said that the amendments are an attempt to ensure that the County has ultimate control of the major decision making of the fire and rescue service, while maintaining specific aspects of operational control in the corporations.

With respect to the provision in Mr. Doolan's proposed amendment that staffing levels would be maintained at levels not less than those existing on September 30, 1987, Mr. Kendal, Director of the Office of Management and Budget, expressed the view that it would be inappropriate to include such a provision in the legislation because it conflicts with the budget review process. In response to Councilmember Adams' question, Mr. Kendal said that he anticipates only minimal staffing changes to be made in and among the fire and rescue corporations.

Councilmember Leggett expressed concern regarding legal loopholes that he believes exist in Mr. Doolan's proposed amendment that excludes employees' from wages, hours, or any other matter governed by the existing Fair Labor Standard Act or as it may be amended in the future providing an exception to orders issued by corporation personnel.

Following Council review and discussion with Mr. Doolan concerning his proposed amendments on discipline, assignment/reassignment, department positions, and anti-discrimination between career and volunteer officers of equal rank, Mr. Doolan requested and received concurrence from the Chair for a short recess for the purpose of meeting with Messrs. Gudis and Sorrell and other interested parties attempt to resolve the differences which exist between his proposed amendments and those proposed by Mr. Gudis.

(The Council recessed at 3:58 P.M. and reconvened at 4:23 P.M.)

The Council President requested that the results of the attempt to reach a compromise on proposed amendments to the subject bill be given to the Council.

Councilmember Gudis directed attention to his first amendment, as amended, set forth on page 2 of the subject minutes, suggesting that the following language be added:

The corporations and any other interested person may recommend and provide information in connection with disciplinary action, including termination of employment affecting employees in the firefighter/rescuer occupational series.

Mr. Doolan expressed support for Mr. Gudis's proposed amendment, as amended.

ACTION: Adopted Councilmember Gudis's proposed amendment, as amended, and Mr. Sorrell's proposed amendment regarding executive regulation authority, as amended:

The board of directors of each corporation may authorize in writing one or more officers to give directions on the management of corporate activities and facilities to the senior County merit system firefighter assigned to that corporation who is on duty at the time. An authorized officer may, with the approval of the board of directors, delegate this authority to a subordinate officer. If more than one authorized corporation officer is present at a particular place and time, the direction of the senior corporation officer controls.

This is subject to executive regulations of the Department of Fire and Rescue Services adopted after consultation with the Fire and Rescue Commission and the fire and rescue corporations which shall provide for integration of corporation management directions into the chain of command.

by motion of Councilmember Gudis, without objection.

Councilmember Gudis moved, duly seconded, adoption of his proposed amendment allowing County employees to provide volunteer services for a corporation.

Mr. Gudis accepted Mr. Adams' proposed amendment to delete the third clause of his next amendment:

[(3) to the extent the services are prohibited by federal law or under federal law would result in the payment of overtime pay not otherwise paid]

ACTION: Adopted the following amendment, as amended:

The County must not prohibit or discourage any County employee from providing volunteer services for a corporation, except (1) a corporation to which the employee is assigned, or (2) to the extent the services are prohibited by the conflict-of-interest provisions of Chapter 19A

by motion of Councilmember Gudis, without objection.

Councilmember Gudis directed attention to his proposed amendment, as amended, in an attempt to provide language acceptable to all interested parties:

The integrated emergency command structure must retain and encourage volunteer participation at all levels of the chain of command. Volunteers who meet the minimum requirements and standards of experience and training must be eligible to advance to all levels of the chain of command. Under the integrated chain of command, there shall be no discrimination between volunteer and career officers. As of volunteer and career officers of equal rank, seniority shall determine authority.

Councilmember Gudis accepted amendments proposed by Councilmember Hanna to add in the first sentence between "and" and "encourage" actively, and in the second sentence to substitute minimum for [applicable].

Mr. Sorrell expressed the view that the anti-discrimination concept should be defined by executive regulation.

Mr. Doolan explained the need to clarify in the law the criteria for advancing to all levels of the chain of command, and to indicate who is in charge if there are two officers of equal rank.

Councilmember Adams suggested that seniority and rank should be the determining factors, and Mr. Doolan concurred with the suggestion.

In the discussion that followed, Councilmember Adams suggested a substitute amendment to indicate that the integrated emergency command structure will continue to operate in the future as it is presently operated, and Mr. Sorrell and others presented suggested revisions to Mr. Gudis's amendment for Council consideration.

ACTION: Adopted Councilmember Gudis's proposed amendment, as amended to substitute Volunteers meeting the minimum standards and/or training will be eligible to advance to all levels of the chain of command and shall not be treated differently from merit system employees of equal rank in the integrated emergency command structure for [Under the integrated chain of command, there shall be no discrimination between volunteer and career officers. As of volunteer and career officers of equal rank, seniority shall determine authority]

by motion of Councilmember Adams, without objection.

Councilmember Gudis raised for consideration Mr. Doolan's proposed amendment regarding assignment/reassignment. Mr. Sorrell suggested the need to add Mr. Doolan's proposed amendment regarding the responsibility of the DFRS to make decisions affecting the hours worked by fire and rescue employees.

ACTION: Adopted Mr. Doolan's proposed amendment, as amended:

The Department shall notify the corporation in advance of its intent to reassign and any such reassignment will be effected only in coordination and consultation with the local corporation with a view to ensuring adequate staffing levels for each corporation, provided, however, that this shall not impair the Department's authority to order emergency reassignments.

Nothing in this subsection shall give any corporation any right or authority to affect the hours worked or to be worked by any individual in the firefighter/rescuer occupational series, it being the intent of this section that all decisions respecting such individuals' hours of work be made by the Department.

by motion of Councilmember Hanna,
Councilmember Leggett abstaining.

Councilmember Leggett abstained from voting on the foregoing amendment because of legal questions raised in the portion of the amendment that restricts the authority of the corporation with respect to hours of work.

Councilmember Gudis raised for consideration Mr. Doolan's proposed amendment regarding the volunteer coordinator position:

Any volunteer coordinator appointed shall be under the direct supervision of the Fire and Rescue Commission.

Mr. Granados, Director of the Department of Fire and Rescue Services, explained that the volunteer coordinator position was recommended by the Red Ribbon Committee, a Committee appointed to study and make recommendations for improving elements of the County's fire and rescue service.

Discussion followed concerning the need for the volunteer coordinator position to be under the supervision of the Director of the DFRS. Councilmember Gudis suggested the possibility of amending the amendment to include: ... upon consultation and advice of the Fire Board.

Mr. Doolan said that the volunteer firefighters whom he represents believe it is essential that the volunteer coordinator position not be the same individual who is in charge of career personnel. It is felt that the volunteer coordinator should represent the views of the volunteer firefighters.

Councilmember Potter suggested that the language be amended to place the position under the DFRS with the advice and guidance of the Fire Board.

Councilmember Hanna suggested the title of the position be changed from [volunteer coordinator] to Director of Volunteer Recruitment and Retention.

Councilmember Leggett expressed the view that the position should be placed under the DFRS because the Director of the DFRS bears the responsibility for the Department.

Judge Cahoon, a member of the Red Ribbon Committee, said that he had understood only critical issues involving the fire and rescue services were to be considered at this time and that remaining issues would be considered later. Therefore, he is not prepared to discuss the recommendations of the Red Ribbon Committee. He noted that inherent in the recommendations of the Committee was the concept that, in the future, the Commission would make policy recommendations and the DFRS would have the administrative control. Since the Director is responsible for the operation of the department, he believes the position should be placed under the Director.

In response to Councilmember Crenca's question, Mr. Faden, Senior Legislative Attorney, said that the advertising for the subject law was sufficiently broad to cover the volunteer coordinator position.

Councilmember Adams moved, duly seconded, approval of the proposed amendment, as amended to change [Any] to The, and to change the title of the position from [volunteer coordinator] to Volunteer Coordinator for Recruitment and Retention. In making the motion, Councilmember Adams said that, although the logical place for the position to be placed is under the Director of the DFRS, this is an issue that the volunteer firefighters feel strongly about; also, the Executive Branch would exercise some control over the position since the County Executive appoints the members of the Fire and Rescue Commission. Mr. Adams accepted Mr. Hanna's proposed amendment to change the title of the position to Program Officer for Volunteer Recruitment and Retention.

Councilmember Potter suggested that an ombudsman position is needed in addition to the Program Officer position. He suggested that the Program Officer position be placed under the Director of the DFRS and that an ombudsman position, to be placed under the Fire and Rescue Commission, be considered as a separate issue now or later when the Red Ribbon Committee's report is reviewed.

Councilmember Gudis pointed out that the Program Officer will be a paid merit system employee and the Commission is subject to disciplinary actions by the County so it does not seem as important to him that the position be placed under the Director of the DFRS. He said that he hopes the individual filling this position will actively pursue the recruitment of volunteers in high schools, colleges, and other places. He requested that the Program Officer provide a semi-annual report on the recruitment of minorities to the County Council.

ACTION: Adopted Mr. Doolan's proposed amendment, as amended:

The Program Officer for Recruitment and Retention shall be under the direct supervision of the Fire and Rescue Commission.

by motion of Councilmember Adams

YEAS: Adams, Hanna, Gudis, Potter

NAYS: Crenca, Subin, Leggett.

Mr. Doolan expressed his gratitude to the County Executive and the County Council for working with him and his clients. He said that he believes the County government has demonstrated support for the volunteers by its actions and appreciates what has been accomplished. It is his intention to work with the County government in any way possible to make further improvements to an already excellent fire and rescue system.

ACTION: Adopted the following amendment set forth on page six of Mr. Faden's memorandum of October 15, 1987:

In Draft 2, page 9, after line 20, insert:

- (C) The grade and increment level are not affected by the transfer, regardless of any changes in work hours or methods of calculating hourly rates.
- (D) Fringe benefits must be paid in accordance with current County fire and rescue policies that apply to such positions.
- (E) Premium pay and all other pay differentials must be paid in accordance with the duty assignment performed. Educational salary differentials are not affected by the transfer.

by motion of Councilmember Adams, without objection.

Adopted the following technical amendments:

On page 9, lines 13-14, substitute until January 15, 1988 for [For 90 days after the effective date of this law];

On page 9, line 16, substitute October for [September];

On page 9, substitute starting January 15, 1988 for [after the 90 day period];

On page 12, lines 12-13, substitute January 15, 1988 for [ninety (90) days from] and [after 90 days after the effective date of this law]

by motion of Councilmember Gudis, without objection.

Adopted the following amendment proposed by the Office of Legislative Oversight:

Within two years following the effective date of this legislation, the Office of Legislative Oversight will evaluate the validity of the goals and objectives, the effectiveness with which these goals and objectives have been accomplished, and the efficiency with which the fire, rescue and emergency services have operated under the organizational changes herein enacted.

by motion of Councilmember Gudis, without objection.

Councilmember Leggett expressed the view that the responsibility for problems which exist in the fire and rescue service with respect to the affirmative action program are the responsibility of the County Government. Although he had planned to introduce amendments to help alleviate these problems, he said he did not because he believes they may be addressed appropriately through implementation of the subject legislation. He said he will note carefully the progress made in increasing the number of minorities in the fire service, and propose changes if there is insufficient progress.

Councilmember Adams said that this is an administrative compromise that serves the public interest and all interested parties. He thanked Mr. Gudis for his effort in helping to reach a compromise and complimented the volunteers on their cooperation during this worksession.

Councilmember Gudis expressed his gratitude to all of those who helped with the bill and the amendments.

Councilmember Hanna noted that the basis for the subject legislation has been the desire of the County to maintain the present high level of fire and rescue service. He suggested that all interested parties give the legislation an opportunity for success.

ACTION: Adopted the following amendments as set forth in the subject bill:

AN EMERGENCY ACT to:

(1) authorize the Department of Fire and Rescue Services to:

- [[(1)]] (a) Employ, pay and supervise all employees in the firefighter/rescuer occupational series paid by County Government revenues, including fire tax district funds;
- [[(2)]] (b) allocate and assign these employees to the local fire and rescue corporations; and
- [[(3)]] (c) charge personnel costs of employees to fire tax district appropriated funds for the fire district in which the employee is assigned; [[and to]]
- (2) provide for lateral transfer of certain fire and rescue merit system employees to county merit system positions in the department; [[to]]
- (3) authorize the levy of taxes in fire tax districts for the payment of personnel costs in the Department of Fire and Rescue Services for personnel services rendered by employees assigned to the individual or consolidated fire tax districts, and [[to provide authority for]] authorize distribution of such fire tax district [[taxes]] tax receipts to the County for payment of these personnel costs;
- (4) prohibit distribution to or expenditure by the corporations of certain tax funds for certain purposes after [[ninety (90)]] [[90 days]] [[from the effective date of]] [[after this law takes effect,]] January 15, 1988;
- (5) require the fire and rescue commission to supervise the program officer for volunteer recruitment and retention;
- (6) prohibit discrimination against volunteer firefighters in the integrated emergency command structure;
- (7) reserve to county employees the right to volunteer their services to the fire and rescue corporations, with certain exceptions; and [[to]]
- (8) make certain technical amendments to Chapter 21.

By amending

Section 2-39A. Division 5A. Department of Fire and Rescue Services. of Chapter 2, Administration, and Chapter 21, Fire and Rescue Services, Sections ~~[[2-39A,]]~~ 21-4A, 21-4B, 21-4C, 21-4E, 21-4M, 21-4N, 21-4O, 21-4Q, 21-4R and 21-4S~~[[,]]~~ of the Montgomery County Code

By adding ~~[[to]]~~

Chapter 21, Fire and Rescue Services,
Section 21-4M~~[[, subsection]]~~(i)~~[[,]]~~ of the Montgomery County Code

EXPLANATION: Boldface indicates matter that is a heading or a defined term.
Underlining indicates matter added to existing law by the original bill.
[Single boldface brackets] indicate text that is deleted from existing law by the original bill.
Double underlining indicates text that is added to the bill by amendment.
[[Double boldface brackets]] indicate matter deleted from existing law or the bill by amendment.
* * * indicates existing law unaffected by the bill.

The County Council for Montgomery County, Maryland, approves the following act:

01 Sec. 1. Section 2-39A of Chapter 2 is amended to read as follows:

02 DIVISION 5A. DEPARTMENT OF FIRE AND RESCUE SERVICES

03 2-39A. ~~[[Department of Fire and Rescue Services -]]~~ Functions.

04 The department of fire and rescue services shall have the following
05 functions and responsibilities, in addition to any other assigned by law or
06 by the county executive:

07 (a) * * *

08 **(b)** Personnel. Consistent with the county merit system, employ. pay,
09 terminate, discipline, assign, promote, transfer and supervise
10 employees in the firefighter/rescuer occupational series, as it
11 may be amended, paid in whole or in part with county government
12 revenues of any kind, ~~[[which shall include]]~~ including fire tax
13 district tax revenues~~[[, subject to the chain of command~~
14 established by the integrated emergency command structure ~~[[as~~
15 provided in~~]]~~ under section 21-4E: the~~]]~~.

16 **(1)** The department may allocate and assign these employees to
17 the corporations, and may charge all personnel costs of
18 ~~[[such]]~~ assigned employees to appropriations to the fire
19 tax district in which the employee is assigned.

20 **(2)** Employees assigned to the corporations are subject to the
21 chain of command established by the integrated emergency
22 command structure under section 21-4E.

23 **(3)** The department promulgates executive regulations, after
24 consulting the Fire and Rescue Commission and the fire and
25 rescue corporations, that must provide for integration of
26 corporation management directions into the chain of command.

27 **(4)** **(A)** The board of directors of each corporation may

01 authorize in writing one or more officers to give
02 directions on the management of corporate activities
03 and facilities to the senior County merit system
04 firefighter or rescue worker, as the case may be.
05 assigned to that corporation who is on duty at the
06 time.

07 (B) An authorized officer may, with the approval of the
08 board of directors, delegate this authority to a
09 subordinate officer.

10 (C) If more than one authorized corporation officer is
11 present at a particular place and time, the direction
12 of the senior corporation officer controls.

13 (5) (A) The department must notify the corporation to which an
14 employee is assigned of its intent to reassign that
15 employee.

16 (B) The department must consult with the corporation
17 before reassigning the employee.

18 (C) The department must reassign employees in coordination
19 with the local corporations, and with the goal of
20 ensuring adequate staffing levels at each corporation.

21 (D) The department may order emergency reassignments
22 without notice to or consultation with the
23 corporations.

24 (6) (A) The department makes all decisions affecting the hours
25 worked by any employee in the firefighter/rescuer
26 occupational series.

27 (B) A local corporation must not determine the hours

01 worked by any such employee.

02 (7) Any corporation and any other interested person may
03 recommend, or provide information in connection with,
04 disciplinary action, including termination of employment,
05 affecting an employee in the firefighter/rescuer
06 occupational series.

07 [(b)](c) * * *

08 [(c)](d) * * *

09 [(d)](e) * * *

10 [(e)](f) * * *

11 [(f)](g) * * *

12 [(g)](h) * * *

13 [(h)](i) * * *

14 [(i)](j) * * *

15 [(j)](k) * * *

16 Sec. 2. Section 21-4A of Chapter 21 is amended to read as follows:

17 [[Sec.]] 21-4A. Statement of intent; definitions.

18 (a) Legislative intent. It is the legislative intent of the county
19 council, pursuant to section 101 of the charter of Montgomery
20 County, to provide for adequate public safety, health and welfare
21 through a fire, rescue and emergency medical services program that
22 is highly competent, efficiently delivered, equitably administered
23 and which utilizes [both career] county merit system, corporation
24 and volunteer personnel. The council believes that ultimate
25 responsibility for public safety through fire, rescue and
26 emergency services rests with the county government. The council
27 further believes that this program should reflect: maximum

01 cost-effective performance of these services; recognition and
02 promotion of the general, county-wide public interest; adequate
03 accountability for service levels and resource use in a manner
04 required of other public programs; fair representation and
05 communication of all views regarding these services; and adequate
06 response to past and projected growth in the county and its public
07 safety requirements. To achieve these objectives a combined system
08 of public and private resources is essential, including:

- 09 (1) Delivery of fire, rescue and emergency medical services
10 through local corporations for as long as such corporations
11 are willing and able to provide these services, and through
12 the department when local corporations are unwilling or
13 unable to provide these services or as otherwise provided by
14 law;
- 15 (2) Provision of the policy and regulatory framework for the
16 independent fire departments and rescue squads by a fire and
17 rescue commission, deriving its authority from and acting on
18 behalf of the county government;
- 19 (3) Policy advice to the fire and rescue commission by a fire
20 board representing the independent fire departments and
21 rescue squads; and
- 22 (4) Provision of support [services] by the department of fire
23 and rescue services of the county government.

24 The council supports the delivery of fire, rescue and emergency
25 services through the independent fire departments and rescue
26 squads. Such decentralized service delivery must be done within
27 county-wide context and must be characterized by unity in

01 emergency responses and uniformity in the application of all
02 regulations. The council recognizes and respects the contributions
03 of volunteers over many decades which have resulted not only in
04 the protection of life and property in the county but also vital
05 and generous private support for an essential public activity. The
06 council acknowledges the years of volunteer effort, risk and
07 sacrifice; the provision of time and money towards the purchase of
08 equipment, apparatus and facilities; and the importance attached
09 to the opportunities for public service and fellowship. The county
10 will vigorously support the continuation and expansion of
11 volunteer participation as a means of providing fire, rescue and
12 emergency medical services in the most cost-effective way and
13 encourage citizen participation in community activities. The
14 county council hereby declares its policy intention that all
15 county officials and employees actively encourage, and not in any
16 way discourage, qualified volunteer participation.

17 (b) Purpose. It is the purpose of this chapter to promote the
18 achievement of the following goals with respect to the provision
19 of fire, rescue and emergency medical services:

- 20 (1) Maximum Protection for Life and Property. Provision of
21 maximum cost-effective, equitable and responsive services to
22 all county citizens, including adequate maximum response
23 times, effective fire and rescue incident supervision,
24 adequate manning, effective distribution of personnel and
25 apparatus and timely adaptation to changing service needs.
26 All organizations and participants comprising the fire,
27 rescue and emergency medical services share the

- 01 responsibility for improving their effectiveness and
02 efficiency every year. Evidence of this improvement may be
03 requested by the council at any time.
- 04 (2) Maximum Volunteer Participation. Maintenance and expansion
05 of participation by volunteers in fire, rescue and emergency
06 medical service operations and in policy-making.
- 07 (3) Optimum Personnel Practices. Promotion of equity and harmony
08 among [both career employees] county merit system.
09 corporation and volunteer[s] personnel; continual
10 improvement in the capabilities of all personnel; effective
11 personnel administration; and job performance and personal
12 conduct of the highest caliber by [career] county merit
13 system. corporation and volunteer personnel.
- 14 (4) Adequate Accountability. Adequate accountability to the
15 citizens for service delivery, management practices and the
16 use of public funds.
- 17 (5) Improved Operations and Administration. Minimizing of costs,
18 including administrative overhead, apparatus and other
19 expenses; and effective management of personnel, purchasing,
20 maintenance, training and other programs.

21 * * *

22 Sec. 3. Section 21-4B(n) is added to read as follows:

23 21-4B. Fire and Rescue Commission.

24 * * *

25 (n) The commission must directly supervise the program officer for
26 volunteer recruitment and retention.

27 Sec. ~~[[3]]~~4. Section 21-4C of Chapter 21 is amended to read as follows:

01 21-4C. Fire board.

02 (a) * * *

03 (b) Duties, responsibilities and authority. The fire board shall have
04 the following duties, responsibilities and authority:

05 (1) Submit to the County Executive a list of volunteer

06 firefighters to be considered for appointment to the fire
07 and rescue commission under section 21-4B(a).

08 (2) Actively support, on a continuing basis in coordination with
09 the commission, the maintenance and enhancement of volunteer
10 participation in fire, rescue and emergency medical service.

11 (3) Advise the commission on any matters relating to the fire,
12 rescue and emergency medical services.

13 (4) Approve commission policies and programs relating to code of
14 personal conduct and volunteer recruitment and retention,
15 including benefits program recommendations to the county
16 council.

17 (5) Adopt bylaws detailing its operating rules and regulations
18 and establishing a method for amending its bylaws.

19 (6) Establish any committees needed to carry out its duties and
20 responsibilities. Membership on these committees may
21 include fire board members, other volunteers [or career],
22 county merit system and corporation personnel.

23 (7) Within [[sixty (60)]] 60 days [[of]] after receipt, review
24 and comment upon any proposal of the commission to adopt
25 policies, rules, regulations, requirements or standards
26 pertaining to the fire or rescue services.

27 (8) Perform such other tasks as are delegated by the commission.

* * *

[[Section]] 21-4E. Integrated emergency command structure.

(a) The commission shall adopt, upon the affirmative vote of [[five (5)]] 5 of its members, an integrated emergency command structure, applicable to all corporations and to all fire, rescue and emergency medical service personnel, [both] including volunteer, corporation and [career] county merit system, on all emergency incidents. The commission shall consult with both the fire board and the director. The chief administrative officer shall have an opportunity to comment upon the proposed structure and request modifications thereof prior to adoption; provided, however, that these provisions shall not be construed to diminish the chief administrative officer's approval responsibility for disaster plans provided for in section 21-4F. The integrated emergency command structure shall be adopted and approved within [[nine (9)]] 9 months after assignment of initial staff to the commission. The chief administrative officer shall specify in writing requests for modification. The integrated emergency command structure shall be reviewed and updated annually in the same manner as the original process. The integrated emergency command structure shall be effective immediately after adoption.

(b)

* * *

(c) The integrated emergency command structure must retain and actively encourage volunteer participation at all levels of the chain of command. Volunteers who meet the minimum requirements and standards of experience and training must be eligible to

01 advance to all levels of the chain of command and must not be
02 treated differently from merit system employees of equal rank in
03 the integrated emergency command structure.

04 Sec. ~~[[5]]~~6. Section 21-4M ~~[[is amended and subsection]]~~ (i) is
05 added~~[[,]]~~ to read as follows:

06 21-4M. Personnel administration - For career employees of corporations.

07 * * *

08 (i) Transfer of fire and rescue merit system employees in the
09 firefighter/rescuer occupational series.

10 (1) ~~[[For]]~~~~[[ninety (90)]]~~[[90 days after the effective date of
11 this law.]] Until January 15, 1988, any fire and rescue
12 merit system employee~~[[s]]~~ in the firefighter/rescuer
13 occupational series ~~[[as of]]~~ on ~~[[September]]~~ October 15,
14 1987, may laterally transfer to a vacant position in the
15 department.

16 ~~[[a.]]~~ (A) Leave balances are not affected by the transfer.

17 ~~[[b.]]~~ (B) The probationary or disciplinary status of an
18 employee is not affected by the transfer.

19 (C) The grade and increment level are not affected
20 by the transfer, regardless of any changes in
21 work hours or methods of calculating hourly
22 rates.

23 (D) Fringe benefits must be paid in accordance with
24 current county fire and rescue policies that
25 apply to such positions.

26 (E) Premium pay and all other pay differentials must
27 be paid in accordance with the duty assignment

01 performed. Educational salary differentials are
02 not affected by the transfer.

03 (2) [[After the]][[ninety (90)]][[90 day period.]] Starting
04 January 15, 1988. [[the transfer authorized in this
05 subsection may occur]] a fire and rescue merit system
06 employee in the firefighter/rescuer occupational series may
07 transfer to a vacant position in the department only with
08 the [[consent]] approval of the corporation and the director.

09 Sec. 7. Section 21-4N(d) is added as follows:

10 21-4N. Same - For volunteers.

11 * * *

12 (d) The County must not prohibit or discourage any county employee
13 from providing volunteer services for a corporation, except (1) a
14 corporation to which the employee is assigned, or (2) to the
15 extent the services are prohibited by the conflict-of-interest
16 provisions of Chapter 19A.

17 Sec. [[6]]8. Section 21-40 of Chapter 21 is amended to read as follows:

18 21-40. Training requirements and certification standards.

19 (a) After permitting the fire board a sixty-day period for review and
20 comment, the commission shall adopt uniform certification
21 standards and procedures and uniform minimum training requirements
22 to be met by all active fire, rescue and emergency medical
23 services personnel. Also included shall be uniform standards and
24 procedures and uniform minimum training requirements to be met for
25 eligibility to the various officer ranks. These standards and
26 training requirements shall be applied similarly to volunteer,
27 [and career] corporation and county merit system personnel

01 engaging in similar duties, shall be compatible with all other
02 provisions of the personnel regulations especially those relating
03 to positions classification, and shall be consistent with federal
04 uniform guidelines on personnel selection. The commission shall
05 consult with the director prior to adoption. These standards shall
06 be adopted within [[fifteen (15)]] 15 months after assignment of
07 initial staff.

08 * * *

09 (c) Standards and requirements adopted pursuant to this section shall
10 apply immediately to all new fire, rescue and emergency medical
11 services personnel [of the local corporations, both], including
12 volunteer, corporation and [career] county merit system personnel.
13 Application of these standards and requirements to existing
14 personnel[, both volunteer and career,] shall be subject to such
15 time schedules as are promulgated under administrative regulations
16 proposed by the commission, adopted by the county executive, and
17 approved by the county council.

18 Sec. [[7]]9. Section 21-4Q of Chapter 21 is amended to read as follows:

19 21-4Q. Budget preparation.

20 * * *

21 (d) The county council shall appropriate funds for fire, rescue and
22 emergency medical services for the ensuing fiscal year in the
23 manner prescribed by the charter. No tax funds shall be encumbered
24 or expended in excess of appropriations. All distributions to the
25 corporations of appropriations are conditional upon the local
26 corporations being subject to and complying with the provisions of
27 this chapter.

distributed for payment of personnel costs for personnel employed by the corporations in the firefighter/rescuer occupational series. as it may be amended. All other fire tax funds shall be paid at least on a monthly basis by the county to the respective treasurers of the corporations within the consolidated and individual fire tax districts in accordance with a projected monthly schedule or approved budget submitted by each corporation prior to the start of the fiscal year, unless at the request of any corporation the county, as a service to that corporation, shall retain, disburse and account for any fire tax funds so authorized.

* * *

Sec. 12. Evaluation.

By October 15, 1989, the Office of Legislative Oversight must evaluate the validity of the goals and objectives of this law, the effectiveness by which those goals and objectives have been accomplished, and the efficiency with which fire, rescue and emergency services have operated under the organizational changes enacted in this law.

Sec. ~~[[10]]~~13. Effective date.

The council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This Act takes effect on the date on which it becomes law.

ACTION: Authorized staff to make technical amendments.

Enacted Bill No. 42-87, as amended

by motion of Councilmember Gudis, by a roll call vote:

YEAS: Hanna, Adams, Subin, Leggett, Potter, Gudis, Crenca

The meeting adjourned at 6:42 P.M.

This is an accurate account of the meeting:



Kathleen A. Freedman, Secretary
County Council

Minutes written by: Marv A. Edgar